

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CARGILL, INCORPORATED,

Plaintiff,

v.

VANTAGE SPECIALTY CHEMICALS, INC.,

Defendant.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Cargill, Incorporated (“Cargill” or “Plaintiff”), brings this action for willful patent infringement against Vantage Specialty Chemicals, Inc. (“Vantage”). Cargill alleges as follows:

NATURE OF ACTION

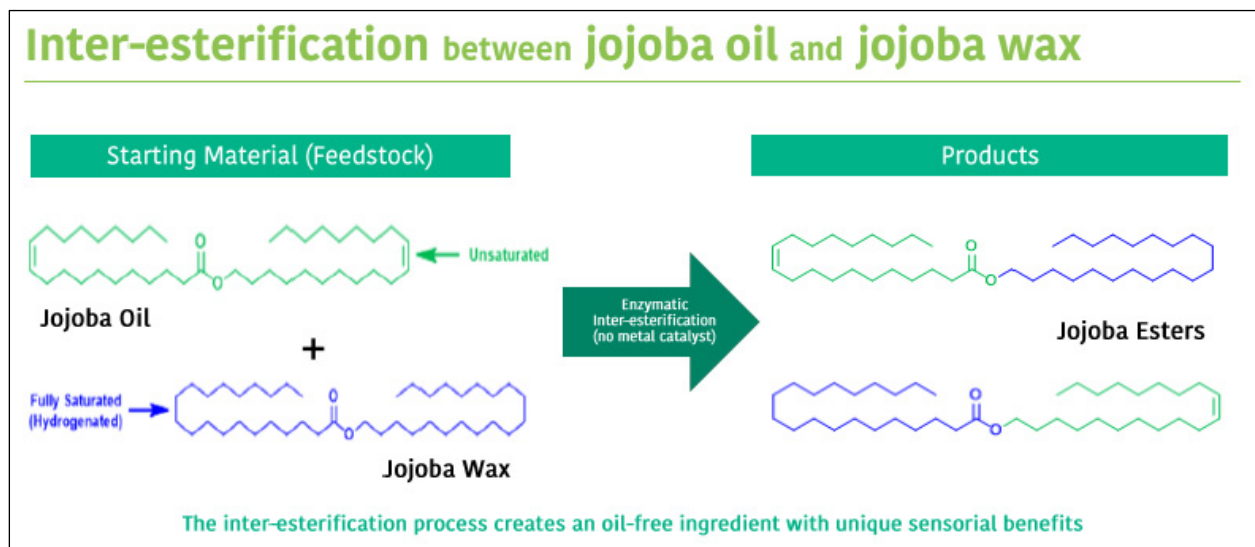
1. This is an action for infringement of United States Patent Nos. 12,180,530 (“the ’530 patent”), 12,203,122 (“the ’122 patent”), and 12,281,350 (“the ’350 patent”) (collectively, the “Asserted Patents”) under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including § 271(a). Cargill brings this action to enforce its patent rights covering its product line of personal care and cosmetic ingredients derived from jojoba oil.

2. Cargill has a product line focused on personal care and cosmetic ingredients, primarily products derived from jojoba oil. Jojoba oil is an extract from the seeds of the desert jojoba plant. It has long been used as an emollient to help retain the natural moisture present in the skin.

3. Cargill is, and has been, an industry leader in the jojoba field with its line of Floraesters® products, due to the superior quality of these products. The superior quality of one

such product, Floraesters[®] 20, is a result of the enzymatic process embodied in the Asserted Patents.

4. On information and belief, Vantage had been trying to supply Cargill's customers with a chemically-manufactured copy of its Floraesters[®] 20 product for years, but the quality and performance of Vantage's product was lacking. In 2020, Vantage announced and promoted a new product—Liponate[™] Jojoba 20—as an alternative to Floraesters[®] 20. As shown below, Vantage touts that its Liponate[™] Jojoba 20 product is made through an enzymatic process.



Source: Liponate-Jojoba-20-SS-2020 marketing document, available at https://www.vantagegrp.com/-/media/Vantage-Website/Documents_Products/Liponate-Jojoba-20-SS-2020.pdf

5. On July 26, 2022, Cargill filed suit against Vantage in this Court, alleging that Vantage's process for manufacturing its Liponate[™] Jojoba 20 product infringes claim 1 of U.S. Patent No. 11,248,245 (the "'245 patent"). *E.g.*, Civil Action No. 1:22-cv-00979-JLH (D. Del.), D.I. 1. That action is pending.

6. Vantage has admitted in publicly-available pleadings that its manufacturing method for its Liponate[™] Jojoba 20 product includes the addition of a lipase enzyme, as is recited in the Asserted Patents.

1.21. Vantage contacts the feedstocks it provides with a lipase, specifically Lipozyme

Ex. 5 (Savidakis Dep. Day 1) at 34:2-24, 45:24-46:18, 84:7-17, 105:11-14; Ex. 8

(DeFilippi Opening Rpt.) ¶¶ 167-173; Ex. 9 (Lochhead Resp. Rpt.), ¶¶ 174-175.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 161 at ¶ 1.21 (D. Del. March 14, 2025) (Plaintiffs' CSOF).

1.21 Admitted.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 174 at ¶ 1.21 (D. Del. March 14, 2025) (Defendant's Response to Plaintiffs' CSOF).

1.24. Vantage transesterifies, with a lipase, the jojoba wax esters and hydrogenated

jojoba wax esters in the feedstocks it provides. Ex. 5 (Savidakis Dep. Day 1) at 34:2-24; Ex. 8

(DeFilippi Opening Rpt.) ¶¶ 167-173; *see* Ex. 9 (Lochhead Resp. Rpt.), ¶¶ 162, 165, 174-175, 286.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 161 at ¶ 1.24 (D. Del. March 14, 2025) (Plaintiffs' CSOF).

1.24 Admitted.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 174 at ¶ 1.24 (D. Del. March 14, 2025) (Defendant's Response to Plaintiffs' CSOF).

7. On information and belief, Vantage continues to manufacture its Liponate™ Jojoba 20 product through an enzymatic process.

8. On information and belief, Vantage's manufacturing methods for at least its Liponate™ Jojoba 20 product infringe one or more of the claims of each of the Asserted Patents.

THE PARTIES

9. Plaintiff Cargill, Incorporated is a privately-owned Delaware corporation with its principal place of business at 15407 McGinty Road West, Wayzata, Minnesota 55391. Cargill is

a leading global provider of food, agricultural, beauty, and risk management products and services employing about 155,000 employees.

10. Upon information and belief, Vantage is a corporation organized and existing under the laws of Delaware with its principal place of business at 1751 Lake Cook Road, Suite 550, Deerfield, Illinois 60015. On information and belief, Vantage may be served through its registered agent for service, The Corporation Trust Company at Corporation Trust Center 1209 Orange Street, Wilmington, Delaware 19801.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over the action under 28 U.S.C. §§ 1331 and 1338(a) because the action concerns a federal question arising under the Patent Laws of the United States, including 35 U.S.C. § 271.

12. This Court has personal jurisdiction over Vantage because Vantage is a corporation organized and existing under the laws of Delaware, is qualified to do business in Delaware, and has appointed a registered agent for service of process in Delaware. Therefore, Vantage has purposefully availed itself to the privileges of conducting business in Delaware and consented to general jurisdiction in Delaware.

13. In addition, this Court has personal jurisdiction over Vantage because, *inter alia*, Vantage, either directly or through its subsidiaries, agents, and/or affiliates, has purposefully availed itself of the benefits and protections of Delaware's laws such that it should reasonably anticipate being haled into court in this District. On information and belief, Vantage—either directly or through its subsidiaries, agents, and/or affiliates—develops, manufactures, imports, markets, offers to sell, sells, and/or distributes a broad range of personal care and beauty products, including emollients, throughout the United States, including in Delaware, and therefore transacts

business within Delaware relating to Cargill's claims, and/or has engaged in systematic and continuous business contacts within Delaware.

14. Upon information and belief, Vantage is in the business of, among other things, manufacturing and selling personal care and beauty products, including emollients, either directly or through various operating subsidiaries, agents, affiliates, and/or partners throughout the United States, including in Delaware.

15. Venue is proper in this Court with respect to Vantage pursuant to 28 U.S.C. § 1400(b) because Vantage is a corporation organized and existing under the laws of the State of Delaware.

16. Vantage has previously consented to jurisdiction and venue in this Court. *E.g.*, Civil Action No. 1:22-cv-00979-JLH (D. Del.), D.I. 8 ¶¶ 9-13.

THE ASSERTED PATENTS

17. Cargill is the sole owner of, and possesses all rights, interests, and title of the Asserted Patents, all titled "Processes and systems for catalytic manufacture of wax ester derivatives," and naming Jeff Addy, Clay Daly, and James H. Brown as inventors. The Asserted Patents share a common specification, and describe and claim methods for producing a transesterified jojoba wax ester product from a feedstock of jojoba wax esters and hydrogenated jojoba wax esters. The process described in the Asserted Patents involves contacting a feedstock with a lipase enzyme and catalytically transesterifying the wax esters in the feedstock with the lipase to form a transesterified product.

18. The Asserted Patents are continuations of the '245 patent, which itself issued from U.S. Application No. 14/578,075, filed December 19, 2014.

19. On December 31, 2024, United States Patent No. 12,180,530, was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). A true and correct copy of the ’530 patent is attached as **Exhibit 1** to this Complaint.

20. On January 21, 2025, United States Patent No. 12,203,122 was duly and legally issued by the USPTO. A true and correct copy of the ’122 patent is attached as **Exhibit 2** to this Complaint.

21. On April 22, 2025, United States Patent No. 12,281,350 was duly and legally issued by the USPTO. A true and correct copy of the ’350 patent is attached as **Exhibit 3** to this Complaint.

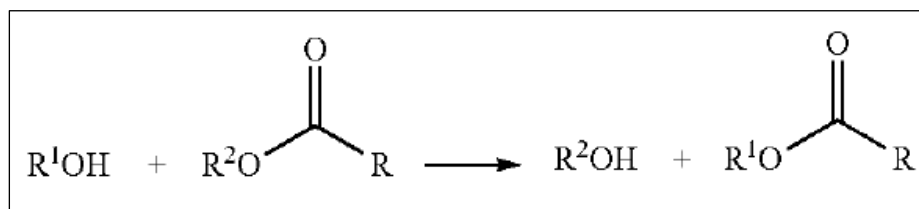
22. Cargill sells transesterified jojoba esters under the trade name Floraesters®.

ACTS GIVING RISE TO THIS ACTION FOR VANTAGE’S PATENT INFRINGEMENT

PRODUCING TRANSESTERIFIED WAX ESTERS

23. A wax ester is formed from the reaction of a fatty acid and a fatty alcohol, which results in the formation of an ester group that links two carbon chains. ’530 patent at 1:32-34. Wax esters are found in various animals and plants, including the jojoba plant (*Simmondsia chinensis*). *Id.* at 1:34-36. Wax esters are used in various applications, including cosmetic and personal care products. *Id.* at 1:36-38.

24. Transesterification involves the process of exchanging acyl groups located on each side of an ester group with an acyl group contained in an alcohol group, as illustrated below:



’530 patent at 3:51-57.

25. Conventionally, transesterification of jojoba oil has been done with the use of a chemical catalyst, such as sodium methylate (methoxide) or sodium hydroxide. *See id.* at 4:5-45; 7:43-67. Side reactions, however, occur between the catalyst and components of the feedstock and/or reactants during the transesterification process. *Id.* These side reactions create byproducts that reduce the yield of the process and alter the properties of the product. *Id.*

26. Some of the property changes occur because of damage to the feedstock esters caused by the high temperatures and low pressures required to carry out chemical catalytic transesterification. *Id.* Importantly, the reaction of the chemical catalyst removes or degrades the steryl esters, sterols, tocopherols, hydrocarbons, and volatile ingredients in the jojoba oil. *Id.* The resulting transesterified product may have little or none of these components remaining intact following chemical catalytic transesterification. *Id.*

27. This degradation and/or removal of these components changes the functionality and physical properties of the product. *Id.* In particular, the degradation and/or removal of the tocopherols and other naturally occurring antioxidants may reduce the OSI of the product to below the OSI of the original jojoba oil. *Id.* OSI correlates to a product's shelf life. *See id.* at 8:49-53.

28. Cargill's wholly-owned subsidiary, International Flora Technologies Ltd. ("FloraTech"), discovered a novel process that uses enzymes as a catalyst to facilitate the transesterification reaction. On December 19, 2014, FloraTech filed its first patent application for inventions related to this discovery.

29. On June 23, 2016, the USPTO published this application for an innovative enzymatic processes and systems as U.S. Publication No. 2016/0177349A1 ("349 publication"). The '349 publication disclosed, *inter alia*, that "the enzymatic transesterification process takes

place at the melting point of the jojoba oil (and any hydrogenated jojoba oil included in the feedstock) under substantially atmospheric pressure. The reaction also proceeds without removing/degrading the tocopherols or volatiles naturally contained in the jojoba oil.” ’349 publication at [0054]. The ’349 publication also disclosed, “[s]urprisingly, however, the OSI of the enzymatically catalyzed transesterified product is greater than that of the feedstock.” *Id.* at [0058].

30. Cargill’s innovative enzymatic process for transesterification results in a transesterified product with increased OSI and accordingly, a longer shelf life. This process provides processing efficiencies that provide savings throughout the manufacturing process.

VANTAGE COPIED CARGILL’S ENZYMATIC PROCESS

31. For years, Vantage had been trying to supply Cargill’s customers with a chemically-manufactured copy of Cargill’s Floraesters® 20 product, but its quality and performance was lacking. Vantage’s manufacturing process for its Liponate™ Jojoba products until recently used a conventional chemical catalyst for transesterification of jojoba oil.

products. *Id.* (citing Exs. 2050–2057). According to Patent Owner, Petitioner “did not even think to try lipase-catalyzed ester-ester exchange until, in 2018, it discovered Floratech’s patent application disclosing superior results when lipases were used in place of chemical catalysts.” *Id.* at 63–64 (citing Ex. 2054, 85:23–89:5 (testimony of Petitioner’s scientist, Michael Savidakis, detailing how Petitioner’s research team learned about the lipase catalysis). Patent Owner contends that, once presented with this

Vantage Specialty Chemicals Inc. v. Cargill Inc., IPR2023-00589, Paper 54 at 24 (P.T.A.B. Sep. 5, 2024).

patent disclosures for that subject matter. In a November 20, 2018, technical report about Petitioner’s attempts to develop a “Floraesters 20 offset,” Petitioner’s chemist explains that all Petitioner’s prior efforts to change the manufacturing processes for its own Jojoba Esters 20 product (e.g., changing the feedstock ratio, and changing the identity of the chemical catalyst) “**have all failed** to provide comparable material.” Ex. 2052, 1 (emphasis added).

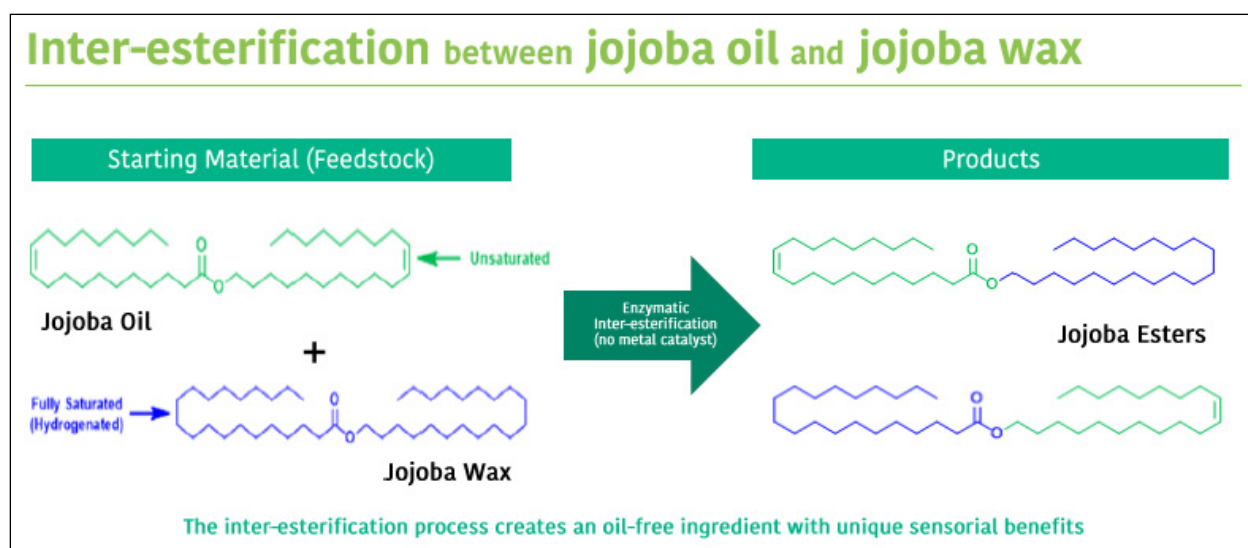
Vantage Specialty Chemicals Inc. v. Cargill Inc., IPR2023-00589, Paper 54 at 42 (P.T.A.B. Sep. 5, 2024).

32. After reviewing the ’349 publication, Vantage attempted to create a “knock-off” of Cargill’s Floraesters® 20 product by switching to the enzymatic process described in the ’349 publication, and claimed in the ’245 patent and the Asserted Patents.

Floraesters 20”); Ex. 2055, 1 (emails about “Liponate Jojoba 20” batch tests, with Petitioner’s scientist writing “[w]hat you are describing is very close to the Floratech Patent that clued us in on how they were making their Jojoba esters”); Ex. 2057, 1, 9 (presentation from September 2019, listing “GOALS: Develop a knock-off of Floratech Ester 20 by replacing current chemical catalysis method using sodium methylate with enzymatic catalysis (lipase),” and indicating samples sent to, and presaging meeting with, customer); Ex. 2054, 236:21–237:23 (testifying Petitioner’s goal was taking

Vantage Specialty Chemicals Inc. v. Cargill Inc., IPR2023-00589, Paper 54 at 43 (P.T.A.B. Sep. 5, 2024).

33. Vantage promotes a product—Liponate™ Jojoba 20—as an alternative to Cargill’s Floraesters® 20. As shown below, Vantage touted in its marketing materials to customers, attached to this complaint as **Exhibit 4**, that its Liponate™ Jojoba 20 product is made through an enzymatic process:



Source: Liponate-Jojoba-20-SS-2020 marketing document, available at https://www.vantagegrp.com/-/media/Vantage-Website/Documents_Products/Liponate-Jojoba-20-SS-2020.pdf

34. Vantage has admitted in publicly-available pleadings that its manufacturing method for its Liponate™ Jojoba 20 product includes the transesterification of jojoba wax esters and hydrogenated jojoba wax esters with a lipase enzyme.

1.21. Vantage contacts the feedstocks it provides with a lipase, specifically Lipozyme

█. Ex. 5 (Savidakis Dep. Day 1) at 34:2-24, 45:24-46:18, 84:7-17, 105:11-14; Ex. 8

(DeFilippi Opening Rpt.) ¶¶ 167-173; Ex. 9 (Lochhead Resp. Rpt.), ¶¶ 174-175.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 161 at ¶ 1.21 (D. Del. March 14, 2025) (Plaintiffs' CSOF).

1.21 Admitted.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 174 at ¶ 1.21 (D. Del. March 14, 2025) (Defendant's Response to Plaintiffs' CSOF).

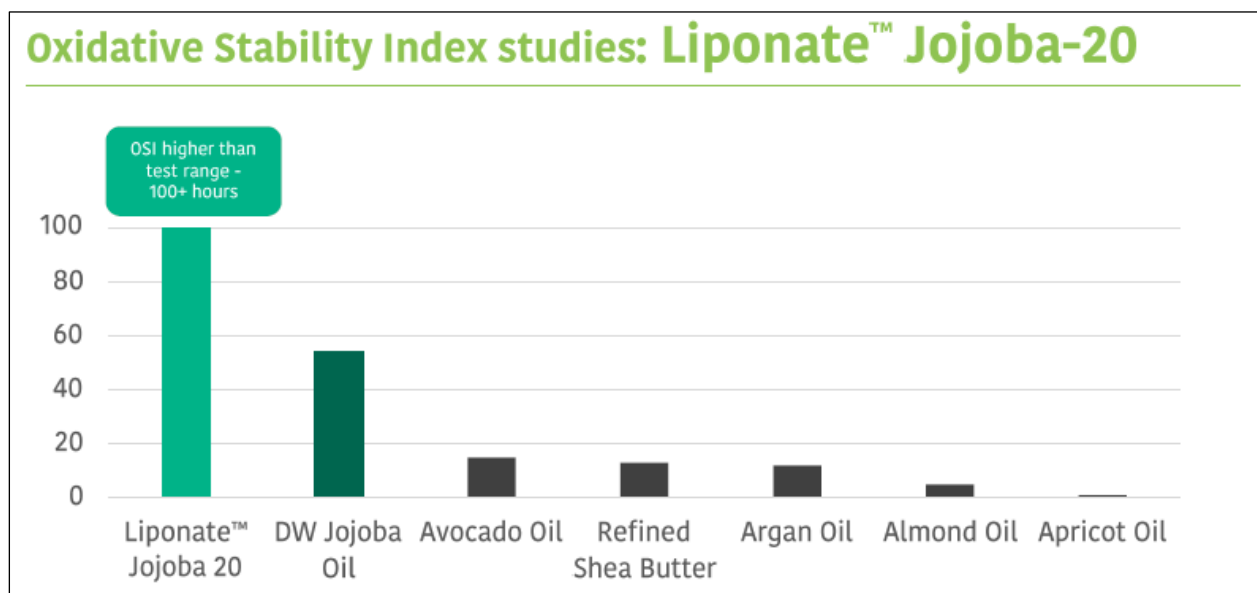
1.24. Vantage transesterifies, with a lipase, the jojoba wax esters and hydrogenated jojoba wax esters in the feedstocks it provides. Ex. 5 (Savidakis Dep. Day 1) at 34:2-24; Ex. 8 (DeFilippi Opening Rpt.) ¶¶ 167-173; *see* Ex. 9 (Lochhead Resp. Rpt.), ¶¶ 162, 165, 174-175, 286.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 161 at ¶ 1.24 (D. Del. March 14, 2025) (Plaintiffs' CSOF).

1.24 Admitted.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 174 at ¶ 1.24 (D. Del. March 14, 2025) (Defendant's Response to Plaintiffs' CSOF).

35. Further, as shown below, Vantage has touted in its marketing materials to customers that the enzymatic process results in a jojoba product with higher OSI than the original feedstock:



Source: Liponate-Jojoba-20-SS-2020 marketing document, available at https://www.vantagegrp.com/-/media/Vantage-Website/Documents_Products/Liponate-Jojoba-20-SS-2020.pdf

36. In January 2025, Cargill emailed Vantage's outside counsel notifying it that the USPTO recently had issued the '530 patent, further covering Cargill's innovative Floraesters® product line. **Exhibit 5.** The email noted that the '530 patent related to Vantage's process for manufacturing its Liponate™ Jojoba 20 product. *Id.* Cargill noted that publicly-available information makes clear the processes Vantage uses to manufacture its Liponate™ Jojoba 20 product practices one or more claims of each of the '530 patent.

37. Vantage had actual knowledge of the '530 patent as of at least January 2025, and also has had knowledge that its enzymatic process infringes the '530 patent. Despite this knowledge, Vantage continues to manufacture and sell its Liponate™ Jojoba 20 product.

38. On May 9, 2025, Cargill notified Vantage that the USPTO recently had issued the Asserted Patents, each of which is directed toward aspects of Cargill's revolutionary processes and systems for catalytic manufacture of wax ester derivatives. **Exhibit 6.** Cargill's letter noted that publicly-available information makes clear that the processes Vantage uses to manufacture its Liponate™ Jojoba 20 product, as well as the resulting commercial products made by those processes, practice one or more claims of each of the Asserted Patents. *Id.*

39. Vantage had actual knowledge of each of the Asserted Patents as of at least May 2025, and also has had knowledge that its enzymatic process infringes each of the Asserted Patents. Despite this knowledge, Vantage continues to manufacture and sell its Liponate™ Jojoba 20 product.

40. At a minimum, Vantage is aware of the Asserted Patents as of the filing and service of this Complaint.

COUNT I – INFRINGEMENT OF THE '530 PATENT

41. Cargill hereby incorporates by reference Paragraphs 1-40 of this complaint, as if fully set forth herein.

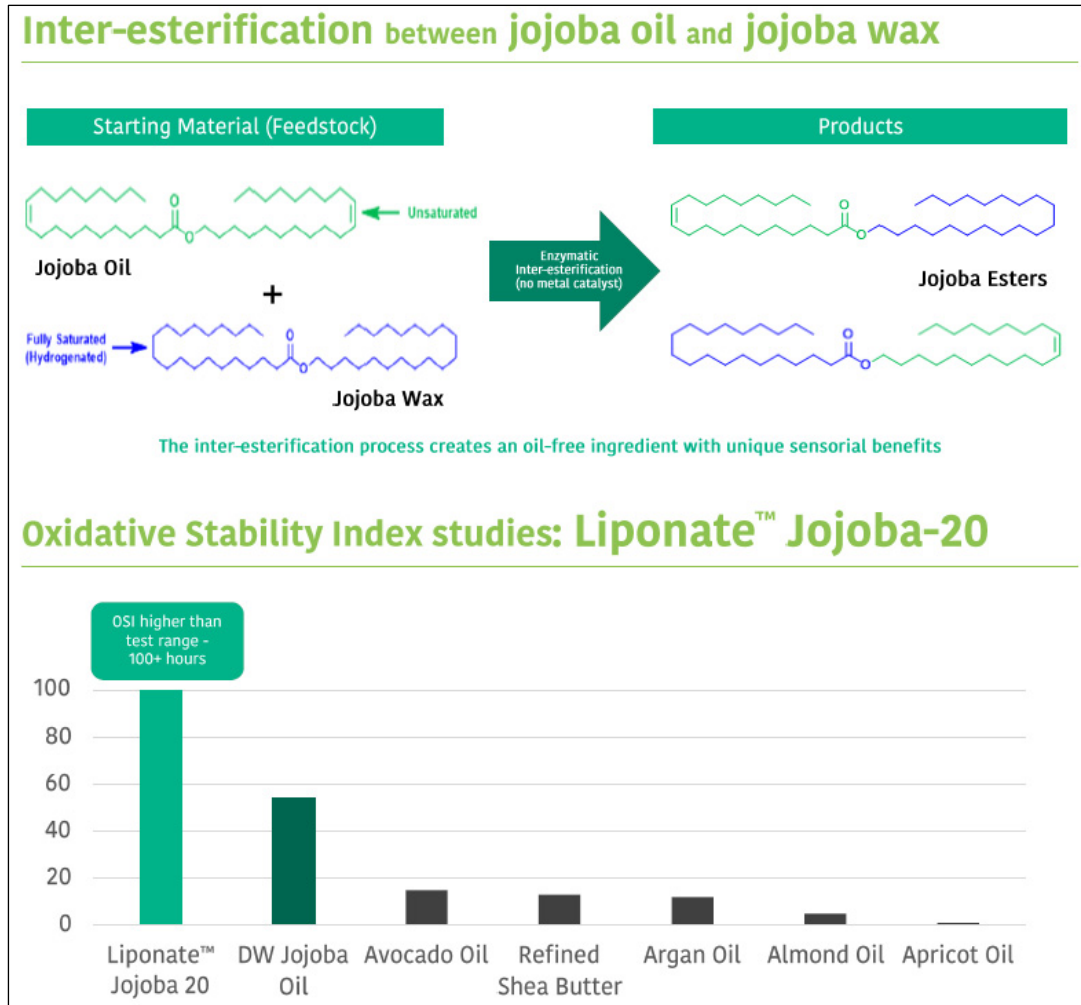
42. Vantage has directly infringed and continues to directly infringe various process claims of the '530 patent, including at least claims 1, 7 and 14 under 35 U.S.C. § 271(a) by making at least the accused Liponate™ Jojoba 20 product in the United States using each step of the claimed methods.

43. Vantage has made and continues to make at least its Liponate™ Jojoba 20 product by a process, which includes contacting a feedstock with a lipase wherein the feedstock comprises

wax esters and an antioxidant, wherein the feedstock wax esters comprise jojoba wax esters and hydrogenated jojoba wax esters, and wherein the feedstock has an oxidative stability index; and reacting the jojoba wax esters and the hydrogenated jojoba wax esters in the feedstock using the lipase enzyme to yield a product comprising transesterified jojoba wax esters, and the antioxidant, wherein the product has a product oxidative stability index that is greater than, equal to, or less than the oxidative stability index of the feedstock, wherein the product does not contain a free fatty alcohol.

44. On information and belief, the enzyme Vantage uses to make at least its Liponate™ Jojoba 20 product is a 1,3 selective enzyme, and comprises the amino acid sequence recited in the '530 patent as SEQ ID No. 2.

45. For example, as seen in the following excerpt from Vantage's marketing materials for the accused Liponate™ Jojoba 20 product, Vantage's process starts with a feedstock comprising jojoba wax esters and hydrogenated jojoba wax esters, that goes through an enzymatic inter-esterification (i.e., transesterification), resulting in a transesterified product with an oxidative stability index.



Source: Liponate-Jojoba-20-SS-2020 marketing document, available at https://www.vantagegrp.com/-/media/Vantage-Website/Documents_Products/Liponate-Jojoba-20-SS-2020.pdf

46. Vantage has admitted in publicly-available pleadings its process for manufacturing Liponate™ Jojoba 20 product includes the addition jojoba oil (jojoba wax esters), jojoba wax flakes (hydrogenated jojoba wax esters) and tocopherols (an antioxidant) to its feedstock.

16. In both Vantage's original accused process and its Updated Process (*i.e.*, its non-infringing alternative process), Vantage includes jojoba oil, jojoba wax flakes, and tocopherols in its feedstock. Ex. 20 [DeFilippi Opening Rpt.], ¶¶122–128, Appendix C; Ex. 21 [Lochhead Non-Infringement Rpt.], ¶¶177–181, 303–308, Appendix E; Ex. 8 [DeFilippi Reply Rpt.], ¶¶186–187; *see also* Ex. 2 [VANTAGE_00151499–598 (Production Detail Reports for original accused process)]; Ex. 22 [VANTAGE_00157727–739 (Production Detail Reports for original accused process)]; Ex. 23 [VANTAGE_00157720–726 (Production Detail Report for updated (non-infringing alternative) process)]; Ex. 24 [VANTAGE_00158252–254 (Production Detail Report for updated (non-infringing alternative) process)]; Ex. 25 [VANTAGE_00000017–20 (Production Process Instructions)]; Ex. 26 [VANTAGE_00157740–744]; Ex. 27 [VANTAGE_00157745–748]; Ex. 28 [VANTAGE_00157749–753]; Ex. 29

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 169 at ¶ 16 (D. Del. March 14, 2025) (Defendant's CSOF).

47. Vantage has admitted it contacts its feedstock of jojoba wax ester, hydrogenated jojoba wax esters, and tocopherols with a lipase enzyme, and that the lipase enzyme transesterifies the jojoba wax esters and hydrogenated jojoba wax esters in its feedstock.

1.21. Vantage contacts the feedstocks it provides with a lipase, specifically Lipozyme [REDACTED]. Ex. 5 (Savidakis Dep. Day 1) at 34:2-24, 45:24-46:18, 84:7-17, 105:11-14; Ex. 8 (DeFilippi Opening Rpt.) ¶¶ 167-173; Ex. 9 (Lochhead Resp. Rpt.), ¶¶ 174-175.

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Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 174 at ¶ 1.21 (D. Del. March 14, 2025) (Defendant's Response to Plaintiffs' CSOF).

1.24. Vantage transesterifies, with a lipase, the jojoba wax esters and hydrogenated jojoba wax esters in the feedstocks it provides. Ex. 5 (Savidakis Dep. Day 1) at 34:2-24; Ex. 8 (DeFilippi Opening Rpt.) ¶¶ 167-173; *see* Ex. 9 (Lochhead Resp. Rpt.), ¶¶ 162, 165, 174-175, 286.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 161 at ¶ 1.24 (D. Del. March 14, 2025) (Plaintiffs' CSOF).

1.24 Admitted.

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48. Vantage has admitted in publicly-available pleadings that tocopherols (an antioxidant) survive the transesterification reaction and are included in the resultant product.

18. During the transesterification reaction, jojoba wax esters and hydrogenated jojoba wax esters in the oil and flakes are transesterified, and the tocopherols survive the reaction and are present in Vantage's final product. Ex. 20 [DeFilippi Opening Rpt.], ¶¶ 175-186; Ex. 21 [Lochhead Non-Infringement Rpt.], ¶¶ 257-260, 315-319, Appendix J; Ex. 8 [DeFilippi Reply Rpt.], ¶¶ 154-155, 168; Ex. 10 [DeFilippi Dep. Tr.] at 79:1-6; 90:21-91:20; 94:22-95:8.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 169 at ¶ 18 (D. Del. March 14, 2025) (Defendant's CSOF).

49. Cargill has not granted, and Vantage has not requested, a license or permission to use the '530 patent.

50. On information and belief, Vantage has been willfully infringing the '530 patent since at least on or about January 2025 after it learned of the contents of the January 2025 email from Cargill to Vantage's outside counsel identifying the '530 patent and its patented process. On further information and belief, Vantage has no good faith defense to Cargill's infringement allegations, yet deliberately and wantonly continues its infringement.

51. On information and belief, Cargill is not aware of any other manufacturers of jojoba oil or jojoba wax using their novel enzymatic process beyond those set forth herein. Accordingly, Vantage's actions have directly and proximately impaired Cargill's business efforts, have irreparably harmed Cargill and will continue to irreparably harm Cargill unless and until Vantage is permanently enjoined.

52. By its actions, Vantage's infringement of the '530 patent has damaged, and continues to damage, Cargill in an amount yet to be determined, of at least a reasonable royalty and/or lost profits that Cargill would have made but for Vantage's infringing acts.

53. This is an exceptional case. Cargill is entitled to attorneys' fees and costs under 35 U.S.C. § 285 as a result of the infringement of the '530 patent by Vantage.

COUNT II – INFRINGEMENT OF THE '122 PATENT

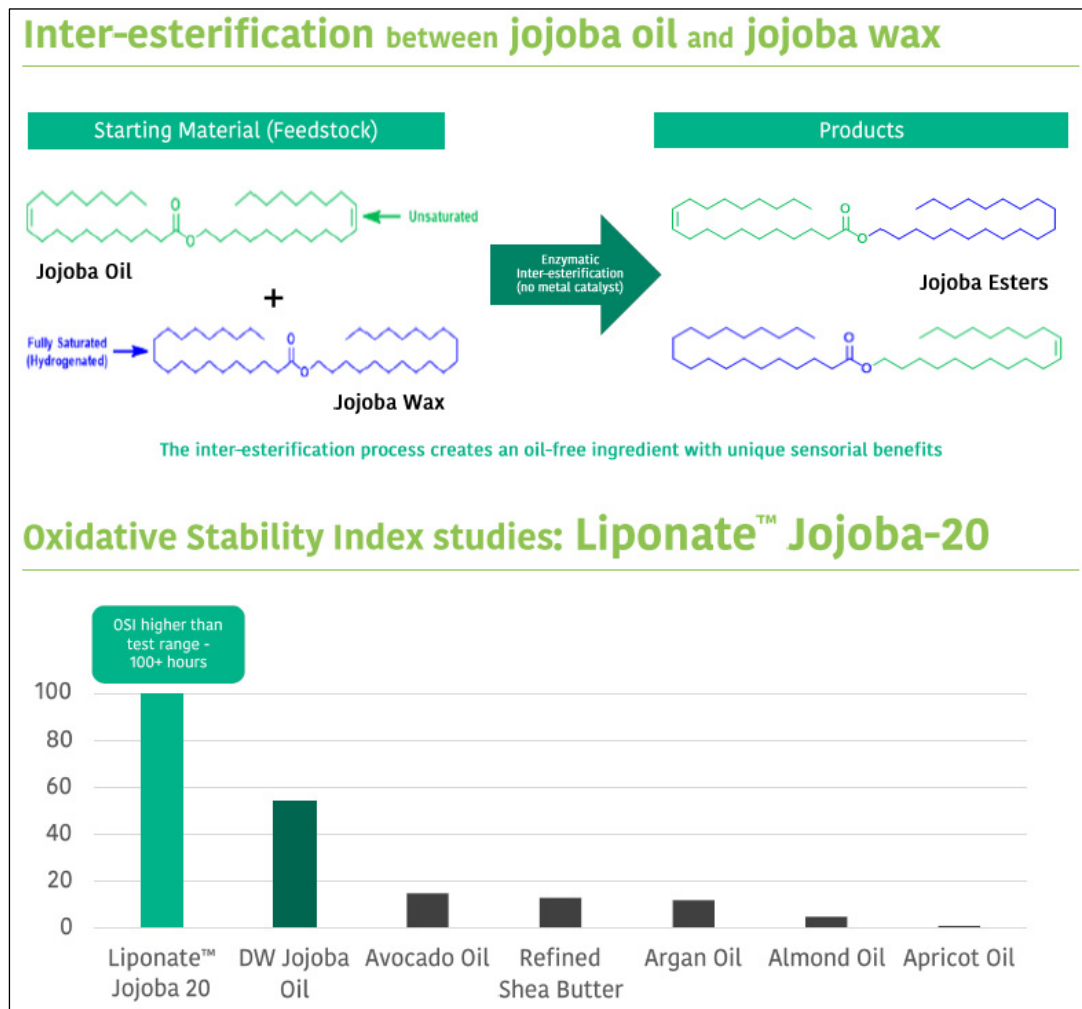
54. Cargill hereby incorporate by reference Paragraphs 1-53 of this complaint, as if fully set forth herein.

55. Vantage has directly infringed and continues to directly infringe various process claims of the '122 patent, including at least claims 1 and 15 under 35 U.S.C. § 271(a) by making at least the accused Liponate™ Jojoba 20 product in the United States using each step of the claimed methods.

56. Vantage has made and continues to make at least its Liponate™ Jojoba 20 product by a process, which includes continuously contacting a feedstock with an immobilized lipase enzyme catalyst, wherein the feedstock comprises feedstock wax esters and a feedstock tocopherol, wherein the feedstock wax esters comprise jojoba wax esters and hydrogenated jojoba wax esters; and continuously reacting the jojoba wax esters and the hydrogenated jojoba wax esters in the feedstock using the immobilized lipase enzyme catalyst to yield a product comprising transesterified product wax esters and the feedstock tocopherol.

57. On information and belief, the enzyme Vantage uses to make at least its Liponate™ Jojoba 20 product is a 1,3 selective enzyme, or a lipase that operates using insertion.

58. For example, as seen in the following excerpt from Vantage's marketing materials for the accused Liponate™ Jojoba 20 product, Vantage's process starts with a feedstock comprising jojoba wax esters and hydrogenated jojoba wax esters, that goes through an enzymatic inter-esterification (i.e., transesterification), resulting in a transesterified product.



Source: Liponate-Jojoba-20-SS-2020 marketing document, available at https://www.vantagegrp.com/-/media/Vantage-Website/Documents_Products/Liponate-Jojoba-20-SS-2020.pdf

59. Vantage has admitted in publicly-available pleadings its process for manufacturing Liponate™ Jojoba 20 product includes the addition jojoba oil (jojoba wax esters), jojoba wax flakes (hydrogenated jojoba wax esters) and tocopherols to its feedstock.

16. In both Vantage's original accused process and its Updated Process (*i.e.*, its non-infringing alternative process), Vantage includes jojoba oil, jojoba wax flakes, and tocopherols in its feedstock. Ex. 20 [DeFilippi Opening Rpt.], ¶¶122–128, Appendix C; Ex. 21 [Lochhead Non-Infringement Rpt.], ¶¶177–181, 303–308, Appendix E; Ex. 8 [DeFilippi Reply Rpt.], ¶¶186–187; *see also* Ex. 2 [VANTAGE_00151499–598 (Production Detail Reports for original accused process)]; Ex. 22 [VANTAGE_00157727–739 (Production Detail Reports for original accused process)]; Ex. 23 [VANTAGE_00157720–726 (Production Detail Report for updated (non-infringing alternative) process)]; Ex. 24 [VANTAGE_00158252–254 (Production Detail Report for updated (non-infringing alternative) process)]; Ex. 25 [VANTAGE_00000017–20 (Production Process Instructions)]; Ex. 26 [VANTAGE_00157740–744]; Ex. 27 [VANTAGE_00157745–748]; Ex. 28 [VANTAGE_00157749–753]; Ex. 29

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 169 at ¶ 16 (D. Del. March 14, 2025) (Defendant's CSOF)

60. Vantage has admitted in publicly-available pleadings it contacts its feedstock of jojoba wax ester, hydrogenated jojoba wax esters, and tocopherols with a lipase enzyme and that the lipase enzyme transesterifies the jojoba wax esters and hydrogenated jojoba wax esters in its feedstock.

1.21. Vantage contacts the feedstocks it provides with a lipase, specifically Lipozyme [REDACTED]. Ex. 5 (Savidakis Dep. Day 1) at 34:2-24, 45:24-46:18, 84:7-17, 105:11-14; Ex. 8 (DeFilippi Opening Rpt.) ¶¶ 167-173; Ex. 9 (Lochhead Resp. Rpt.), ¶¶ 174-175.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 161 at ¶ 1.21 (D. Del. March 14, 2025) (Plaintiffs' CSOF).

1.21 Admitted.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 174 at ¶ 1.21 (D. Del. March 14, 2025) (Defendant's Response to Plaintiffs' CSOF)

1.24. Vantage transesterifies, with a lipase, the jojoba wax esters and hydrogenated jojoba wax esters in the feedstocks it provides. Ex. 5 (Savidakis Dep. Day 1) at 34:2-24; Ex. 8 (DeFilippi Opening Rpt.) ¶¶ 167-173; *see* Ex. 9 (Lochhead Resp. Rpt.), ¶¶ 162, 165, 174-175, 286.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 161 at ¶ 1.24 (D. Del. March 14, 2025) (Plaintiffs' CSOF).

1.24 Admitted.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 174 at ¶ 1.24 (D. Del. March 14, 2025) (Defendant's Response to Plaintiffs' CSOF),

61. Vantage has admitted in publicly-available pleadings that tocopherols survive the transesterification reaction and are included in the resultant product.

18. During the transesterification reaction, jojoba wax esters and hydrogenated jojoba wax esters in the oil and flakes are transesterified, and the tocopherols survive the reaction and are present in Vantage's final product. Ex. 20 [DeFilippi Opening Rpt.], ¶¶ 175–186; Ex. 21 [Lochhead Non-Infringement Rpt.], ¶¶ 257–260, 315–319, Appendix J; Ex. 8 [DeFilippi Reply Rpt.], ¶¶ 154–155, 168; Ex. 10 [DeFilippi Dep. Tr.] at 79:1–6; 90:21–91:20; 94:22–95:8.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 169 at ¶ 18 (D. Del. March 14, 2025) (Defendant's CSOF)

62. Cargill has not granted, and Vantage has not requested, a license or permission to use the '122 patent.

63. On information and belief, Vantage has been willfully infringing the '122 patent since at least on or about May 2025 after it learned of the contents of the May 2025 letter from Cargill identifying the '122 patent and its patented process. On further information and belief,

Vantage has no good faith defense to Cargill's infringement allegations, yet deliberately and wantonly continues its infringement.

64. On information and belief, Cargill is not aware of any other manufacturers of jojoba oil or jojoba wax using their novel enzymatic process beyond those set forth herein. Accordingly, Vantage's actions have directly and proximately impaired Cargill's business efforts, have irreparably harmed Cargill and will continue to irreparably harm Cargill unless and until they are permanently enjoined.

65. By its actions, Vantage's infringement of the '122 patent has damaged, and continues to damage, Cargill in an amount yet to be determined, of at least a reasonable royalty and/or lost profits that Cargill would have made but for Vantage's infringing acts.

66. This is an exceptional case. Cargill is entitled to attorneys' fees and costs under 35 U.S.C. § 285 as a result of the infringement of the '122 patent by Vantage.

COUNT III – INFRINGEMENT OF THE '350 PATENT

67. Cargill hereby incorporates by reference Paragraphs 1-66 of this complaint, as if fully set forth herein.

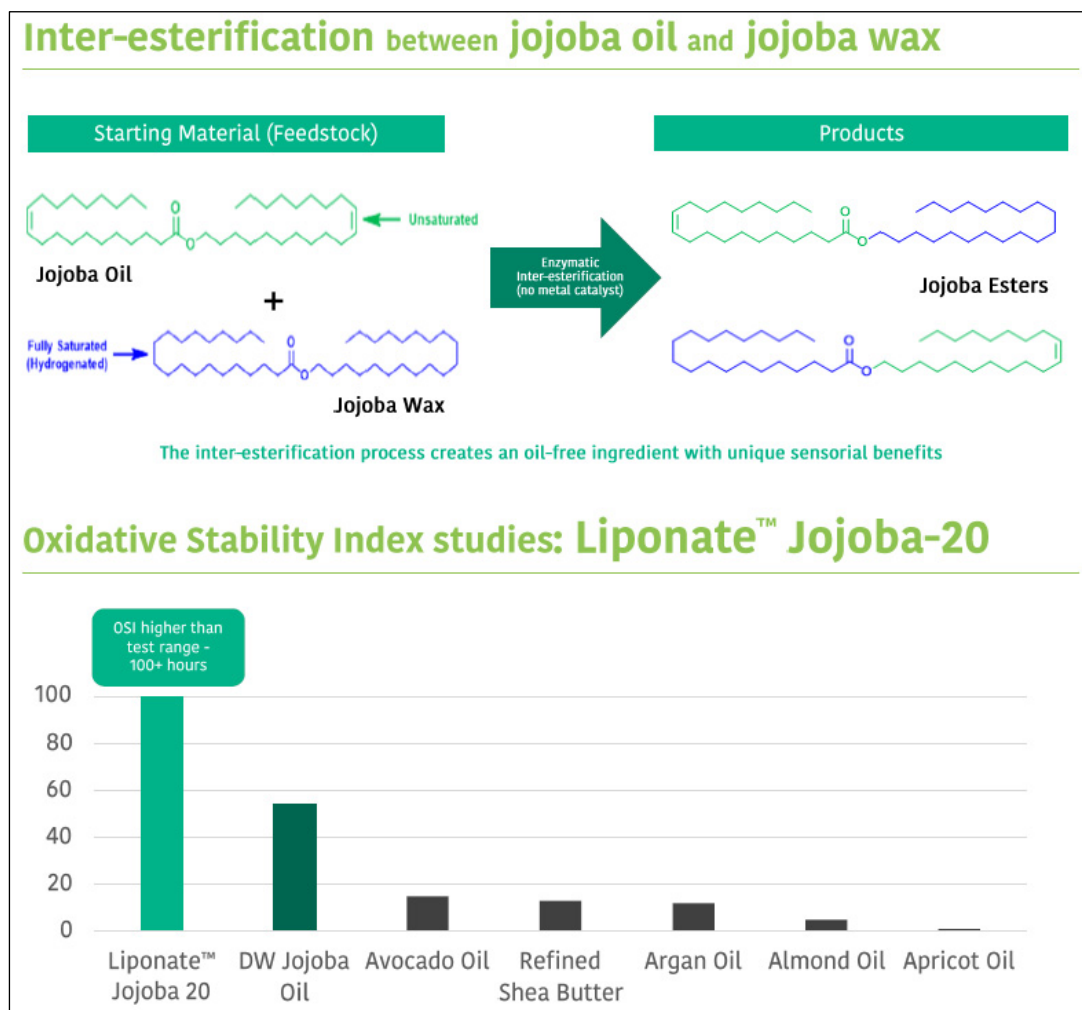
68. Vantage has directly infringed and continues to directly infringe various process claims of the '350 patent, including at least claims 1 and 9 under 35 U.S.C. § 271(a) by making at least the accused Liponate™ Jojoba 20 product in the United States using each step of the claimed methods.

69. Vantage has made and continues to make at least its Liponate™ Jojoba 20 product by a process, which includes preparing enzymatically transesterified wax esters with a process comprising contacting a feedstock with a lipase enzyme catalyst, wherein the feedstock comprises jojoba wax esters, hydrogenated jojoba wax esters, and a feedstock tocopherol; and reacting the jojoba wax esters and the hydrogenated jojoba wax esters in the feedstock using the lipase enzyme

catalyst to yield a product comprising the enzymatically transesterified wax esters and the feedstock tocopherol, wherein the reacting does not produce a free fatty alcohol.

70. On information and belief, the enzyme Vantage uses to make at least its Liponate™ Jojoba 20 product is a 1,3 selective enzyme, or a lipase that operates using insertion.

71. For example, as seen in the following excerpt from Vantage's marketing materials for the accused Liponate™ Jojoba 20 product, Vantage's process starts with a feedstock comprising jojoba wax esters and hydrogenated jojoba wax esters, that goes through an enzymatic inter-esterification (i.e., transesterification), resulting in a transesterified product with an oxidative stability index with no free fatty alcohols.



Source: Liponate-Jojoba-20-SS-2020 marketing document, available at https://www.vantagegrp.com/-/media/Vantage-Website/Documents_Products/Liponate-Jojoba-20-SS-2020.pdf

72. Vantage has admitted in publicly-available pleadings its process for manufacturing Liponate™ Jojoba 20 product includes the addition jojoba oil (jojoba wax esters), jojoba wax flakes (hydrogenated jojoba wax esters) and tocopherols to its feedstock.

16. In both Vantage's original accused process and its Updated Process (*i.e.*, its non-infringing alternative process), Vantage includes jojoba oil, jojoba wax flakes, and tocopherols in its feedstock. Ex. 20 [DeFilippi Opening Rpt.], ¶¶122–128, Appendix C; Ex. 21 [Lochhead Non-Infringement Rpt.], ¶¶177–181, 303–308, Appendix E; Ex. 8 [DeFilippi Reply Rpt.], ¶¶186–187; *see also* Ex. 2 [VANTAGE_00151499–598 (Production Detail Reports for original accused process)]; Ex. 22 [VANTAGE_00157727–739 (Production Detail Reports for original accused process)]; Ex. 23 [VANTAGE_00157720–726 (Production Detail Report for updated (non-infringing alternative) process)]; Ex. 24 [VANTAGE_00158252–254 (Production Detail Report for updated (non-infringing alternative) process)]; Ex. 25 [VANTAGE_00000017–20 (Production Process Instructions)]; Ex. 26 [VANTAGE_00157740–744]; Ex. 27 [VANTAGE_00157745–748]; Ex. 28 [VANTAGE_00157749–753]; Ex. 29

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73. Vantage has admitted in publicly-available pleadings it contacts its feedstock of jojoba wax ester, hydrogenated jojoba wax esters, and tocopherols with a lipase enzyme and that the lipase enzyme transesterifies the jojoba wax esters and hydrogenated jojoba wax esters in its feedstock.

1.21. Vantage contacts the feedstocks it provides with a lipase, specifically Lipozyme [REDACTED]. Ex. 5 (Savidakis Dep. Day 1) at 34:2-24, 45:24-46:18, 84:7-17, 105:11-14; Ex. 8 (DeFilippi Opening Rpt.) ¶¶ 167-173; Ex. 9 (Lochhead Resp. Rpt.), ¶¶ 174-175.

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1.24. Vantage transesterifies, with a lipase, the jojoba wax esters and hydrogenated jojoba wax esters in the feedstocks it provides. Ex. 5 (Savidakis Dep. Day 1) at 34:2-24; Ex. 8 (DeFilippi Opening Rpt.) ¶¶ 167-173; *see* Ex. 9 (Lochhead Resp. Rpt.), ¶¶ 162, 165, 174-175, 286.

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74. Vantage has admitted in publicly-available pleadings that tocopherols survive the transesterification reaction and are included in the resultant product.

18. During the transesterification reaction, jojoba wax esters and hydrogenated jojoba wax esters in the oil and flakes are transesterified, and the tocopherols survive the reaction and are present in Vantage's final product. Ex. 20 [DeFilippi Opening Rpt.], ¶¶ 175-186; Ex. 21 [Lochhead Non-Infringement Rpt.], ¶¶ 257-260, 315-319, Appendix J; Ex. 8 [DeFilippi Reply Rpt.], ¶¶ 154-155, 168; Ex. 10 [DeFilippi Dep. Tr.] at 79:1-6; 90:21-91:20; 94:22-95:8.

Cargill, Inc. and Intl. Flora Tech. Ltd. v. Vantage Specialty Chemicals Inc. No. 1:22-cv-00979-JLH, D.I. 169 at ¶ 18 (D. Del. March 14, 2025) (Defendant's CSOF).

75. Cargill has not granted, and Vantage has not requested, a license or permission to use the '350 patent.

76. On information and belief, Vantage has been willfully infringing the '350 patent since at least on or about May 2025 after it learned of the contents of the May 2025 letter from Cargill identifying the '350 patent and its patented process. On further information and belief, Vantage has no good faith defense to Cargill's infringement allegations, yet deliberately and wantonly continues its infringement.

77. On information and belief, Cargill is not aware of any other manufacturers of jojoba oil or jojoba wax using their novel enzymatic process beyond those set forth herein. Accordingly, Vantage's actions have directly and proximately impaired Cargill's business efforts, have irreparably harmed Cargill and will continue to irreparably harm Cargill unless and until they are permanently enjoined.

78. By its actions, Vantage's infringement of the '350 patent has damaged, and continues to damage, Cargill in an amount yet to be determined, of at least a reasonable royalty and/or lost profits that Cargill would have made but for Vantage's infringing acts.

79. This is an exceptional case. Cargill is entitled to attorneys' fees and costs under 35 U.S.C. § 285 as a result of the infringement of the '350 patent by Vantage.

DEMAND FOR JURY TRIAL

80. Cargill hereby demands trial by jury on all claims and issues so triable.

PRAYER FOR RELIEF

81. Wherefore, Cargill respectfully requests that this Court enter judgment against Vantage as follows:

- A. That the asserted claims of the '530 patent have been infringed by Vantage;
- B. That the asserted claims of the '122 patent have been infringed by Vantage;

- C. That the asserted claims of the '350 patent have been infringed by Vantage;
- D. An award of all of Vantage's sales of products found to infringe, i.e., lost profits;
- E. An award of compensatory damages as a result of Vantage's infringement of the Asserted Patents, together with interest, including pre-judgment and post-judgment interest, costs, and in no event less than a reasonable royalty;
- F. An accounting to determine the damages to be awarded to Cargill as a result of Vantage's infringement, including an accounting for infringing sales not presented at trial and an award of additional damages for any such infringing sales;
- G. That Vantage's infringement of the Asserted patents has been willful;
- H. An award of all other damages permitted by 35 U.S.C. § 284, including increased damages up to three times the amount of compensatory damages found;
- I. A permanent injunction that requires Vantage, its officers, directors, employees, relations and successors in interest to cease and desist from (1) infringing the Asserted Patents and (2) making, using, selling, offering for sale and/or importing infringing products, including Liponate™ Jojoba 20;
- J. That this case is exceptional under 35 U.S.C. § 285 and that Cargill is awarded their attorneys' fees; and
- K. Such other relief, including other monetary and equitable relief, as this Court deems just and proper.

Dated: June 4, 2025

FISH & RICHARDSON P.C.

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